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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,023	10/01/2003	Phyllis A.W. Martin	0136.02	1052
25278	7590	06/13/2007	EXAMINER	
USDA-ARS-OFFICE OF TECHNOLOGY TRANSFER			MARX, IRENE	
PATENT ADVISORS OFFICE			ART UNIT	PAPER NUMBER
WESTERN REGIONAL RESEARCH CENTER			1651	
800 BUCHANAN ST				
ALBANY, CA 94710				
MAIL DATE		DELIVERY MODE		
06/13/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	10/678,023	MARTIN ET AL.	
	Examiner Irene Marx	Art Unit 1651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. The amendment filed on 08 February 2007 under 37 CFR 1.312 has been considered, and has been:

- a) entered.
- b) entered as directed to matters of form not affecting the scope of the invention.
- c) disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d) disapproved. See explanation below.
- e) entered in part. See explanation below.

The proposed amendment filed on 2/8/07 under 37 CFR 1.312 has not been entered, because the claims amended therein are cancelled by Examiner's amendment. In addition, the amendment raises new issues that would require further consideration and or search regarding the use of unidentified metabolites included in supernatant, filtrate or extract of the strain C. subtsugae NRRL B-30665, including new issues under 35 USC 112 and 37 CFR 1.121.

Irene Marx
Irene Marx
Primary Examiner
Art Unit: 1651